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NOTES OF CASES.

Panama Libel Case.—One phase of the libel suit against Delavan Smith and Charles R. Williams, owners of the Indianapolis News, for publication of certain statements reflecting on persons connected with the acquisition of the Panama Canal route, is passed upon by the United States District Court in *United States v. Smith*, 173 Federal Reporter, 227, on application for a warrant of commitment and an order for removal to the District of Columbia for trial. After referring to the duties of a newspaper publisher to print the news and his right to draw inferences therefrom, the court expresses grave doubt as to the libelous character of the articles admitted to have been published, but rests its final determination of the case on the theory that, if any crime was committed, it was in the state of Indiana, where the paper was printed and mailed, and not in Washington, where a few copies were circulated. See editorial in 15 Va. Law Reg., p. 557, discussing this case.

Right of a City to Own and Control a Farm.—A farm lawfully acquired by defendant, the city of Portland, was managed by it for profit. Plaintiff, a farm hand, was injured by reason of the defective condition of the basement step of a building situated thereon, but defendant denied liability on the ground that its ownership and control of the farm was an ultra vires act. The Supreme Judicial Court of Maine, in *Libby v. City of Portland*, 74 Atlantic Reporter, 805, held that although a city—an object of public and private bounty—could not raise money by taxation for the purchase of a farm, it did not follow that it could not be the lawful owner of a farm, and as such owner maintain the same for pecuniary advantage. "Must the town," say the court, "although the lawful owner, yet, because it is a town, let property, if land, lie fallow, or, if buildings, remain vacant and un-rented?" If the farm had been maintained solely for a public purpose, the court holds that no liability would arise; but where, as in this case, the property was used principally for public purposes, but incidentally and in part for profit, the city is liable for negligence in its management.

Death of Insured Caused by Swallowing Fishbone.—The question whether death is due to a cause covered by an accident insurance policy is one which is not always easy to determine. An example of this is found in *Jenkins v. Hawkeye Commercial Men's Association*, decided by the Supreme Court of Iowa, and reported in 124 Northwestern Reporter, 199. Insured, feeling a pain in the region of his rectum, inserted his finger therein and withdrew a fishbone which he had swallowed. A subsequent examination by a physician disclosed a laceration of the mucus membrane of the rectum, and insured died a